

PHILLIPS ORMONDE AND FITZPATRICK

PATENT AND TRADE MARK ATTORNEYS

37 QUEEN STREET, MELBOURNE, AUSTRALIA 3000

ESTABLISHED 1909

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25th May, 1976.

Messrs. Watson, Leavenworth,
Kelton and Taggart,
100 Park Avenue,
New York, N.Y. 10017,
U. S. A.

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WLK&T

JUN 2 1976

582-765 Australian

Dear Sirs,

RE: (JPW:WK) PHILIP MORRIS INCORPORATED.
Australian patent appln. 69542/74
Your ref: 582-765 Foreign.

The above application has been examined and a copy of the report is attached for your consideration and comprehensive instructions. To minimize complications and expense we recommend you aim for allowance inside the twelve month acceptance period which expires on:-

13th May, 1977.

Under item 1 of the first report the Examiner advances a plurality of invention objection, alleging that claims 1 and 9 apparently relate to different inventions. In this regard you are reminded that, in order to overcome such an objection the claims must be shown to include a common element of novelty.

Also under item 1 the Examiner objects on the grounds that Claim 9 is speculative. This objection has probably arisen because of the somewhat unusual format of proposed Claim 9. After a brief consideration there would appear to be two possible ways of overcoming such an objection. The first possibility would be to re-draft Claim 9 along the lines more generally employed and make that re-drafted claim dependant on Claim 1. Such a procedure may also serve to overcome the plurality of invention objection.

The second alternative would be to delete Claim 9 and substitute therefor the usual type of omnibus claim. Since the

DUE DATE.....10/13/76.....

DOCKETED.....6/2/76.....

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Messrs. Watson, Leavenworth,
Kelton & Taggart.

25th May, 1976.

characteristics at present defined in Claim 9 are fairly based on disclosures in the description, the end result of such a procedure would be a claim of effectively the same scope as present Claim 9.

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SA
Under item 2 the Examiner refers to prior art. Copies of the cited specifications are being obtained and will be forwarded by second class airmail with a copy of this letter. It is noted that one of the cited specifications, namely number 283,478, is in the name of the present applicant, but we shall nevertheless forward a printed copy of that specification.

Your reply should clearly identify those features which serve to distinguish the arrangement defined by the claims (amended where necessary) from the prior art cited. In addition any information you may provide concerning any advantages attributable to such features will prove most helpful.

Yours faithfully,
PHILLIPS ORMONDE AND FITZPATRICK



(Jeffrey P. Winch)

enc.